



The Supreme Court of South Carolina

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July 9, 2014

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Hoang Berry v. Stokes Import
Lower Court Case No. 2011CP1003651
Appellate Case No. 2013-000603

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

cc: Jason G. Soper, Esquire
Harry Clayton Walker, Jr., Esquire
Robert Lawrence Reibold, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Hoang Berry, Petitioner,

v.

Stokes Import Collision Center, Respondent.

Appellate Case No. 2013-000603

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Charleston County
Kristi Lea Harrington, Circuit Court Judge

Memorandum Opinion No. 2014-MO-029
Heard June 10, 2014 – Filed July 9, 2014

**CERTIORARI DISMISSED AS IMPROVIDENTLY
GRANTED**

Jason G. Soper, of Soper Law Firm, LLC, of North
Charleston, for Petitioner.

H. Clayton Walker, Jr. and Robert L. Reibold, both of
Walker & Reibold, LLC, of Columbia, for Respondent.

PER CURIAM: We granted certiorari to review the court of appeals' opinion in *Berry v. Stokes Import Collision Center*, Op. No. 2013-UP-007 (S.C. Ct. App. filed Jan. 9, 2013). We now dismiss the writ as improvidently granted.

DISMISSED AS IMPROVIDENTLY GRANTED.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Hoang Berry, Appellant,

v.

Stokes Import Collision Center, Respondent.

Appellate Case No. 2012-207187

Appeal From Charleston County
Kristi Lea Harrington, Circuit Court Judge

Unpublished Opinion No. 2013-UP-007
Submitted December 3, 2012 – Filed January 9, 2013

AFFIRMED

Jason G. Soper, of Soper Law Firm, LLC, of Charleston,
for Appellant.

Harry Clayton Walker, Jr. and Robert Lawrence Reibold,
of Walker & Reibold, LLC, of Columbia, for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to Berry's argument concerning the ineffectiveness of the court provided interpreter during trial: *Kleckley v. Nw. Nat'l Cas. Co.*, 338 S.C. 131, 138, 526 S.E.2d 218, 221 (2000) (noting an issue must be raised to and ruled upon by both the trial court and an intermediate appellate court to be properly preserved for review).
2. As to Berry's argument concerning the circuit court's failure to provide her an interpreter during her appeal: *Herron v. Century BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011) (noting an issue that is raised for the first time on appeal is not preserved for appellate review).

AFFIRMED.¹

FEW, C.J., and WILLIAMS and PIEPER, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.